

Serial No. 10/594,071
Docket No. SH-0068PCTUS
RYU.033

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REMARKS

Claims 1, 3-10, and 12-19 are pending in this Application. Claims 5-10, 13, and 14 were previously withdrawn. No new matter is added.

Claims 1, 3, 4, 12, and 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sugiyama et al. (US 2004/0129027, and hereinafter "Sugiyama") in view of Shimizu (US 2004/0172976).

Applicants respectfully submit, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

However, in the interest of expediting prosecution, Applicants submit that based on 35 USC §103(c), Shimizu cannot be a prior art reference against the claimed invention.

Applicants file herewith a verified translation of the priority document to perfect the priority date/claim and to remove Shimizu as a reference. Therefore, Shimizu is not a prior art reference against the claimed invention.

Indeed, Shimizu constitutes at best a 35 USC § 102 (e) reference because Shimizu was published in the United States on September 9, 2004, which was after the priority date of present Application and has a U.S. filing date of December 23, 2003, providing a basis only under 35 USC §102(e). Therefore, since both Shimizu and the present application are assigned to a same assignee, based on 35 USC §103(c), Shimizu cannot be used as a prior art reference under a §103 rejection.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

In view of the foregoing, Applicants submit that claims 1, 3, 4, 12, and 15-19, all the claims presently under examination, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/17/11

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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1741, at (571) 273-8300, on the date shown below.

Respectfully Submitted,

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